

**Sec. 8A-114. Baby diaper-changing accommodations.**

- A. *Requirement to provide accommodations.* After the effective date of the ordinance from which this section derives, every new establishment or use as defined herein shall be required to provide baby diaper-changing accommodations in accordance with the requirements of this section. Each such establishment or use shall be required to provide, at each floor level containing restrooms, at least one (1) accommodation that is accessible to women and one (1) that is accessible to men, or a single accommodation accessible to both. Each such establishment shall provide signage indicating the location of the baby diaper-changing accommodations. Any shopping center, mall or other facility encompassing multiple establishments and having a central directory shall indicate on the directory the location of all such accommodations.
- B. *Definitions.*
- (1) *New establishment or use* under this section shall mean the following establishments or uses that are instituted or substantially modified after the effective date of the ordinance from which this section derives:
    - (a) Theaters and movie-houses;
    - (b) Sports arenas, complexes and coliseums;
    - (c) Stadiums;
    - (d) Convention centers, auditoriums, cultural complexes and exhibition halls;
    - (e) Libraries;
    - (f) Passenger terminals;
    - (g) Permanent amusement park structures;
    - (h) Shopping centers of more than 25,000 square feet;
    - (i) Restaurants with seating capacity of at least fifty (50) seats serving food for consumption on premises, except where there is a centrally located restroom facility with diaper-changing accommodations within 300 feet of the entrance of the restaurant;
    - (j) Tourist attractions; and
    - (k) Retail stores in excess of 5,000 square feet in size.
  - (2) A *new establishment or use* shall be deemed to be instituted on the date a certificate of use and occupancy or comparable certification regarding lawful occupancy is issued, or if the establishment or use has unlawfully failed to obtain such certification prior to occupancy, upon the first date of occupancy for its present use. A new establishment or use shall be deemed to be substantially modified so as to require compliance with this section upon any reconstruction, rehabilitation, addition or other improvement of the existing building or facility occupied by the establishment or use, if such reconstruction, rehabilitation, addition or other improvement requires more than fifty (50) percent of the gross floor area occupied by the establishment or use to be rebuilt. It is provided, however, that no establishment or use shall be deemed to be substantially modified if no structural changes are made to any existing restroom in the building or facility occupied by the establishment or use.
  - (3) *Baby diaper-changing accommodation* shall mean a safe, sanitary and convenient baby diaper-changing station, deck, table or similar amenity which is installed or placed in a separate, designated location in an establishment or use subject to the provisions of this section. Such accommodations may include, but are not limited to, stations, decks and tables in women's and men's restrooms or unisex/family restrooms.
- C. *Exemptions.* A new establishment or use shall not be subject to the provisions of this section if compliance would create a hardship. Under this section, a hardship shall mean that:

- (1) No reasonable physical alternative exists for providing baby diaper-changing accommodations; or
  - (2) The cost of providing such accommodation exceeds ten (10) percent of the cost of constructing, purchase or substantially modifying the building or facility occupied by the establishment or use.
- D. *Violation.* Failure to comply with the provisions of this section shall result in a violation subject to the penalties in Section 8CC-10 of this Code.

(Ord. No. 98-184, § 1, 12-15-98)